

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KHARVELL LEWIS,

Plaintiff,

v.

Case No. 23-cv-10326
Hon. Matthew F. Leitman

TURNWALD *et al.*,

Defendant.

/

**ORDER OVERRULING PLAINTIFF'S
OBJECTION TO MAGISTRATE JUDGE'S ORDER (ECF No. 36)**

Plaintiff Kharvell Lewis is a state prisoner in the custody of the Michigan Department of Corrections. In this action, Lewis alleges that he was assaulted by prison guards following an altercation in the prison laundry room. (*See* Compl., ECF No. 1.)

Because Lewis is incarcerated, Federal Rule of Civil Procedure 30(a)(2)(B) required the Defendants to obtain leave from the Court to take Lewis' deposition. The Defendants filed a motion to take that deposition (*see* Mot., ECF No. 30), and, on October 8, 2024, the assigned Magistrate Judge granted the motion and ordered the Michigan Department of Corrections to produce Lewis for that deposition. (*See* Order, ECF No. 34.)

Lewis has now filed an objection to the Magistrate Judge's order. (*See* Objection, ECF No. 36.) In the objection, Lewis argues that he does not "stipulate to have his deposition taken." (*Id.*, PageID.107.)

The Court will overrule Lewis' objection. Lewis has not identified any legal basis for declining to be deposed in this case. For example, he has not identified any court rule under which he may avoid a deposition, nor has he cited any case law or other authority that could possibly support his objection to Defendants' proposed deposition. Simply put, Lewis has not made any showing that the Magistrate Judge erred when he granted Defendants' motion and ordered Lewis to be produced for a deposition.

For all of these reasons, Lewis' objection is **OVERRULED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: November 14, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 14, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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